

Please add new claims 25-28 as follows:

--25. A process according to Claim 21, wherein a waiting period of between 36 and 60 hours is allowed when the medium contains no activator or inhibitor.--

Bl --26. A process according to Claim 25, wherein a waiting period of 48 hours is allowed when the medium contains no activator or inhibitor.--

--27. A process according to Claim 22, wherein a waiting period of between 18 and 30 hours is allowed when the medium contains an activator or an inhibitor.--

--28. A process according to Claim 27, wherein a waiting period of 24 hours is allowed when the medium contains an activator or an inhibitor.--

REMARKS

Claims 1-28 are pending herein. By the Office Action, claims 1, 13, 14, 21, and 22 are rejected under 35 U.S.C. §112, second paragraph, claims 1-24 are rejected under 35 U.S.C. §103(a), and claim 16 is objected to. The Examiner has further indicated that the oath submitted with the application fails to identify the post office address of each inventor. By this Amendment, claims 1, 10, 13, 14, 16, 21, and 22 are amended, and claims 25-28 are added.

The attached Appendix includes marked-up copies of each rewritten claim (37 C.F.R. §1.121(c)(1)(ii)).

Claims 1, 10, and 13 are amended to correct errors in grammar and biological nomenclature. Specifically, claim 10 has been amended by adding a period at the end of the

The amendment of claims 14 and 16 are supported, respectively, by claims 1 and 13 as originally filed. Support for the amendments of claims 21 and 22 and for new claims 25-28 can be found on page 6, lines 24-28, of the specification. Thus, none of the amendments introduce new matter.

Applicant thanks the Examiner for the courtesies extended their representatives at the November 1, 2001, personal interview. Applicant's separate record of the content of the interview is contained in the following remarks.

I. Oath/Declaration

The Office Action indicates that the declaration submitted does not identify the post office address of the inventor. Applicant will file a substitute Declaration in due course.

II. Claim Objections

Claim 16 is objected to in the Office Action for being in improper form. As amended, claim 16 indicates the activity of the inhibitor. In view of the amendment of the claim, applicants submit that the objection is overcome. Reconsideration and withdrawal of the objection are respectfully requested.

III. Rejections under §112

Claims 1, 13-14, and 21-22 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicants respectfully traverse this rejection.

In particular, the Office Action asserts that claims 13-14 are indefinite for reciting "specific portion" and "marker portion," because no definition is provided for the phrases. It appears that claim 13 is rejected for the recitation of "specific portion" and "marker portion" in dependent claim 14. Since the phrases in question are recited only in the dependent claim, only claim 14 has been amended.

Claim 14 is amended to recite "specific portion that is hydrolyzed by the enzyme." As discussed at the November 1, 2001, Examiner Interview, Applicants submit that the

addition of "that is hydrolyzed by the enzyme" provides sufficient description of the function of the "specific portion." The "marker portion" clearly refers to the portion that remains after the specific portion has been hydrolyzed and thus provides the fluorogenic or chromogenic feature of the substrate. Applicants submit that this aspect of the rejection has been overcome.

With respect to claims 1 and 21-22, the Office Action asserts that the recitation of "advantageously essentially" is indefinite because it is unclear what duration of time is encompassed by this term. The rejection of claim 1 for reciting "advantageously essentially" appears to have been made in error, as claim 1 does not recite the phrase "advantageously essentially". As amended, claims 21-22 no longer recite the phrase "advantageously essentially." Thus, the basis for this aspect of the rejection is now moot.

Reconsideration and withdrawal of the rejection of claims 1, 13-14, and 21-22 are respectfully requested.

IV. Rejections under §103

Claims 1-24 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Orenga in view of Pincus. Applicants respectfully traverse this rejection.

As discussed at the November 1, 2001, Examiner Interview, claim 1, and its dependent claims, require the inclusion of an inhibitor that selectively inhibits the hexosaminidase activity of *C. tropicalis* in the culture media. None of the cited references teaches or suggests the inclusion of a selective inhibitor that inhibits the hexosaminidase activity of *C. tropicalis* in conjunction with a hexosaminidase substrate in the culture media. Thus, the combination of references does not teach or suggest the claimed invention.

As for claim 13, and its dependent claims, it is noted that Orenga does not teach or suggest the use of a substrate that can be hydrolyzed by an enzyme from the glucosidase family. The reference only teaches particular substrates of hexosaminidase enzymes, such as

glucosamidase substrates. Thus, the primary reference does not teach or suggest the inclusion of a substrate that can be hydrolyzed by an enzyme of another family within the same medium.

Pincus, does not cure this deficiency. As discussed at the November 1, 2001, Examiner Interview, the reference fails to provide any motivation to combine a glucosidase and hexosaminidase substrate in the same culture media. Pincus teaches growing yeast or fungal organisms in a non-inhibitory mycological culture media initially to stimulate the production of enzymes that are characteristic of each fungal species. A portion of the culture is then mixed with a selected substrate or substrates, and is incubated until the reaction of the enzymes with the substrate produces a characteristic colored product, by which the presence of the particular enzymatic activity is identified. There is no suggestion in the reference, however, to combine hexosaminidase substrates with glucosidase substrates in the same medium.

The cited references neither teach or suggest the inclusion of a hexosaminidase substrate and a glucosidase substrate in the same culture medium, nor provide any motivation to combine the two substrates in the same medium. Thus, the combination of references does not teach or suggest the claimed invention.

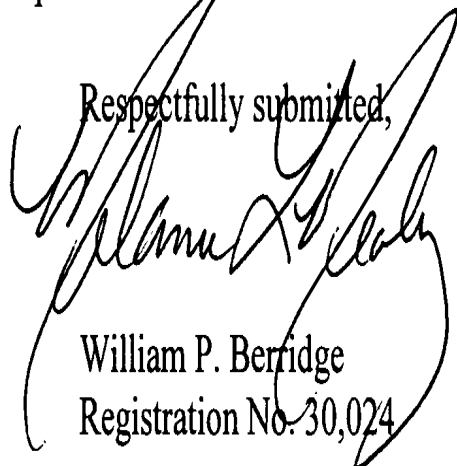
For at least these reasons, claims 1-24 would not have been obvious over the cited references. Reconsideration and withdrawal of the rejection are respectfully requested.

V. Conclusion

Application No. 09/486,037

Should the Examiner believe that anything further would be desirable in order to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Melanie L. Mealy
Registration No. 40,085

WPB/SXT:amw

Attachment:
Appendix

Date: November 5, 2001

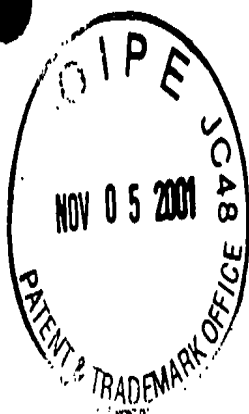
OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**

Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461

Docket No. 105454

Application No. 09/486,037



APPENDIX

Changes to Claims:

RECEIVED

NOV 08 2001

TECH CENTER 1600/2900

Claims 25-28 are added.

The following are marked-up versions of the amended claims:

1. (Twice Amended) Culture medium for the specific identification and/or differentiation of *Candida albicans* and *Candida tropicalis* yeast, comprising a chromogenic or fluorogenic substrate, which can be hydrolyzed by an enzyme of the hexosaminidase family, ~~characterized in that~~wherein the medium also comprises at least one compound ~~which~~that selectively inhibits the hexosaminidase activity of *C. tropicalis*.

10. (Twice Amended) Medium according to Claim 1, characterized in that the medium is gelled and comprises, per liter:

- peptones or a mixture of peptones 0.01-40 g
- yeast extract 0.01-40 g
- glucose (source of carbon) 0-10 g
- phosphate buffer (pH between 5 and 8.5) 2.5-100 mM

chromogenic or fluorogenic substrate ~~which~~ that can be hydrolyzed by an enzyme from the glucosidase family.

14. (Amended) Medium according to Claim 13, in which each substrate consists of (a) a specific portion ~~of that is hydrolyzed by the enzyme and of~~ (b) a marker portion, characterized in that the marker portion of the first substrate is different from the marker portion of the second substrate.

16. (Twice Amended) Medium according to Claim 15, characterized in that the activator consists of a hexosamine and/or a hexosaminidine and/or in that the inhibitor selectively inhibits the hexosaminidase activity of *C. tropicalis* ~~takes the characteristics.~~

21. (Twice Amended) Process according to Claim 20, characterized in that a waiting period of ~~between~~ at least 36 and 60 hours and advantageously essentially 48 hours is allowed when the medium contains no activator or inhibitor.

22. (Twice Amended) Process according to Claim 20, characterized in that a waiting period of ~~between~~ at least 18 and 30 hours and advantageously essentially for 24 ~~hours~~ is allowed when the medium contains an activator or an inhibitor.